

REMARKS

After entry of the above amendments, claims 1-3, 7-14, 18-20, 25-27, and 31-43 will be pending in the present application. Claims 4-6, 15-17, 21-24, and 28-30 have been cancelled. Claims 1-3, 7, 10, 12-14, 18-20, and 25-27 have been amended to incorporate elements from cancelled claims, to explicitly recite what was implicit, to further clarify the invention, and/or to correct informalities. New claims 31-43 have been added. Support for the claim amendments and the new claims can be found in the specification, the drawings, and the claims as originally filed. Applicant reserves the right to pursue any cancelled claim and any amended claim in its original form in a continuation application. No new matter has been added.

Allowable Subject Matter

The Examiner is thanked for indicating that dependent claims 4-7 and 28-30 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Objections to the Claims

Claims 20-24 have been objected to on the basis of informalities for incorrectly depending from claim 17. Applicant has cancelled claims 21-24 and amended claim 20 to depend from new claim 36, which depends indirectly from claim 19. Therefore, withdrawal of the objections to the claims is respectfully requested.

§ 101 Rejections

Claims 12-18 and 20-24 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner states:

Claims 12-18 recites the mere manipulation of data or an abstract idea, or merely solves a mathematical problem without a limitation to a practical application.

A practical application exists if the *result*, of the claimed invention is “useful, concrete and tangible” (with the emphasis on “result”) (Guidelines, section IV.C.2.b). A “useful” result is one that satisfies the utility requirement of section 101, a “concrete” result is one that is “repeatable” or “predictable”, and a “tangible” result is one that is “real” or “read-world”, as opposed to “abstract” (Guidelines, section IV.C.2.b). Claims 12-18 merely manipulates data without ever producing a useful, concrete and tangible result. Regarding independent claims 12-18 the claims merely utilize average confidence scores. The features describe is intended use and is not relied upon. Thus, claims do not provide any result for the processing. Thus merely manipulating data without ever producing a useful, concrete and tangible result. Thus, practical application does not exist in the claims.

In order for the claimed method to produce a “useful, concrete and tangible” result, recitation of one or more of the following elements is suggested:

- The manipulation of data that represents a physical object or activity transformed from outside the computer (MPEP 2106 IVB2 (b) (i)).
- A recitation of a physical transformation outside the method or apparatus, for example in the form of pre or post processing activity (MPEP 2106 IVB2 (b) (i)).
- A direct recitation of a practical application in the technological arts (MPEP 2106 IVB2 (b) (ii)).

Applicant is also advised to provide a written explanation of how and why the claimed invention (either as currently recited or as amended) produce a useful concrete and tangible result. Claims 20-24 depend on claim 17. Therefore are also rejected.

(March 1, 2007 Office action, pgs. 3-4).

Claims 21-24 have been cancelled and claim 20 has been amended to depend from new claim 36, which does not depend from any of claims 12-18. Therefore, it is respectfully submitted that the § 101 rejection of claims 12-18 is no longer applicable to claim 20, as amended.

Claim 12, as amended, recites “indicating to an operator that the character recognition system is in need of service responsive to the average confidence score falling below the threshold confidence score.” Applicant respectfully submits that this element is useful, concrete, and tangible. In particular, “indicating to an operator that the character recognition system is in need of service” is useful because the operator is notified that the character recognition system may need to be serviced.

“[I]ndicating to an operator that the character recognition system is in need of service” is also concrete because every time “the average confidence score fall[s] below the threshold confidence score” the operator will be notified that the character recognition system is in need of service. Hence, the indication is both repeatable and predictable.

Further, “indicating to an operator that the character recognition system is in need of service” is tangible because the indication is in a form that the operator can, for example, see, hear, or touch. Thus, the indication is tangible.

The Examiner also states:

Claim 12 defines programming instructions embodying functional descriptive material. However, the claims do not use acceptable language to incorporate programming instructions to the computer readable medium. The examiner suggests amending the word containing with acceptable language e.g. a) storing a, b) embodied with a, c) encoded with a, d) having a stored, e) having an encoded; or equivalent in order to make the claim statutory. Any amendments to the claims should be commensurate with its corresponding disclosure. Claims 13-18 depend claim 12. Also, claims 20-24 depend on claim 17. Therefore are also rejected.

(March 1, 2007 Office action, pg. 5).

As discussed above, claims 21-24 have been cancelled and claim 20 has been amended to depend from new claim 36, which does not depend from any of claims 12-18. Therefore, it is

respectfully submitted that the § 101 rejection of claims 12-18 is no longer applicable to claim 20, as amended.

Claim 12, as amended, recites “[a] computer readable medium encoded with a computer program for monitoring performance of a character recognition system, the computer program comprising computer-executable instructions for” Since MPEP § 2106 states “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory,” it is respectfully submitted that claim 12, as amended, recites acceptable computer readable medium language.

Accordingly, based at least on the reasons above, Applicant respectfully submits that claim 12, as amended, and the claims that depend therefrom, are directed to statutory subject matter under 35 U.S.C. § 101.

§ 103 Rejections

Claims 1-3, 8-14, 19-21, 24, and 26-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,120,302 to Billester (hereinafter “Billester”), in view of U.S. Patent No. 6,556,883 to Iwayama (hereinafter “Iwayama”).

In order to facilitate early allowance of the pending claims, Applicant has cancelled allowable dependent claims 4-6 and 28-30, and incorporated elements of those claims into independent claims 1, 12, 19, and 25. Therefore, it is respectfully submitted that claims 1, 12, 19, and 25, as amended, and the claims that depend therefrom, are allowable over the cited art.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
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